

**United States District Court**

NORTHERN

DISTRICT OF

CALIFORNIA

**FILED**

UNITED STATES OF AMERICA

2007 MAY 18 A 10:1

V.

**CRIMINAL COMPLAINT**

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

Mendoza, Rafael  
(Name and Address of Defendant)

**07 70293**

**HRL**

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, March 29, 2007, in Santa Clara County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following  
facts:  
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

Seymour T. Knief  
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

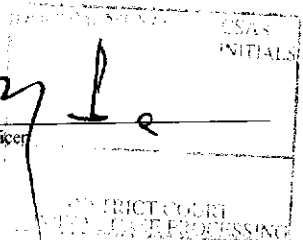
5/18/07  
Date

at

San Jose, California  
City and State

Howard R. Lloyd  
United States Magistrate Judge  
Name & Title of Judicial Officer

Signature of Judicial Officer



RE: MENDOZA, Rafael A92 990 518

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. MENDOZA is a 50-year-old male who has used fifteen (15) aliases and four (4) dates of birth in the past.
- (2) Mr. MENDOZA has been assigned one (1) Alien Registration number of A92 990 518, FBI number of 676178X8, California Criminal Information Index number of A07208783, and Santa Clara Department of Correction number CUJ891.
- (3) Mr. MENDOZA is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on one (1) occasion from the United States:

DATE

September 13, 2000

PLACE OF DEPORTATION

Calexico, CA

- (4) Mr. MENDOZA last entered the United States at or near San Luis, AZ on or after September 13, 2000, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. MENDOZA on a date unknown, but no later than March 29, 2007, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportation, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On April 11, 2007, Mr. MENDOZA was interviewed by Immigration Enforcement Agent (IEA) Erin Diep at the Santa Clara County Jail Elmwood, Milpitas, CA, and during that interview, Mr. MENDOZA was advised of his **Miranda** rights in Spanish. Mr. MENDOZA waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

**RE: MENDOZA, Rafael A92 990 518**

- (6) Mr. MENDOZA was, on June 25, 1990, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of BURGLARY: SECOND DEGREE, a felony, in violation of Section 460.2 of the California Penal Code, and was sentenced to twenty -six (26) days in jail.
- (7) Mr. MENDOZA was, on July 1, 1991, convicted in the State of Washington, County of Yakima, for the offense of POSSESSION OF HEROIN OR SCHEDULE 1 OR 2 NON-NARCOTIC, a class C felony, in violation of Section 69.50.401(d), and was sentenced to seventeen (17) days in jail.
- (8) Mr. MENDOZA was, on February 10, 1992, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of POSSESSION NARCOTIC CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to one hundred twenty (120) days in jail.
- (9) Mr. MENDOZA was, on March 31, 1992, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESSION NARCOTIC CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to seventy-five (75) days in jail.
- (10) Mr. MENDOZA was, on April 3, 1996, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of ASSAULT UPON PEACE OFFICER WITH DEADLY WEAPON, a felony, in violation of Section 245(C) of the California Penal Code, and was sentenced to three (3) years in prison.
- (11) On the basis of the above information, there is probable cause to believe that Mr. MENDOZA illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.

\_\_\_\_\_  
Trong Q. Nguyen  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 18 day of May, 2007

\_\_\_\_\_  
HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE